REMARKS

Applicants' representative appreciates the courtesies extended during the in-person interview of February 24, 2009. The amendments and remarks made herein are in accordance with those discussed during the in-person interview.

The Non-Final Office mailed November 5, 2008 considered claims 1-28, 45, 46, 50-56, 60 and 61. Claims 1-4, 8-13, 17, 19-24, 26 and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Freund et al. (U.S. 2003/0167405) hereinafter *Freund* and further in view of Freeman et al. (U.S. 6,922,724) hereinafter *Freeman*. Claims 5-7, 14, 15, 18, 25, 28, 54 and 55 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Freund* in view of *Freeman* and further in view of Lipe et al. (U.S. 5,748,980) hereinafter *Lipe*. Claims 16 and 61 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Freund* in view of *Freeman* and further in view of Dybedokken et al. (U.S. 6,760,411) hereinafter *Dybedokken*. Claims 45, 52 and 53 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Freund* in view of *Freeman* and further in view of Phillips (U.S. 6,748,195) hereinafter *Phillips*. Claim 46 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Freund* in view of *Freeman* and further in view of Short (U.S. 6,130,892) hereinafter *Short*. Claims 50 and 51 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Freund* in view of *Freeman* and further in view of Akiyama et al. (U.S. 6,757,821) hereinafter *Akiyama*. Claim 56 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Freund* in view of *Freeman* and further in view of Korpi et al. (U.S. 6,198,696) hereinafter *Korpi*. Claim 60 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Freund* and *Freeman* in view of Meyerson (U.S. 6,941,356) hereinafter *Meyerson*.[1]

By this amendment claims 1-3, 5, 7-9, 17-19 and 22-28 are amended.[2] Claim 16 is cancelled. Accordingly, claims 1-15, 17-28, 45-46, 50-56 and 60-61 are pending, of which claim 1 is the only independent claim at issue.

---

[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Support for the amendments to the claims is found throughout the specification and previously presented claims, including but not limited to paragraphs [0035]-[0037], [0059] and Figure 3 of U.S. Patent Pub. No. 2003/0158917.

As discussed during the interview, the invention is generally directed to a method for selecting characteristics associated with a network environment, so as to reduce the configuration information that needs to be manually entered by a user. The method of claim 1, for example, recites that a computer system fails to connect to a first network environment. The computer system connects to a second network environment to receive network environment parameters for the first network environment. Network environment parameters are received from the second network, and will be used to select characteristics associated with the first network environment. The parameters include latency information, available bandwidth, and data transfer conditions. The received network environment parameters are combined to generate an identifier for the first network environment.

Based on the identifier, characteristics specific to operating under the data transfer conditions of the first network environment are selected; the selected characteristics were saved from a previous connection to the second network environment. The selected characteristics, which correspond specifically to operating under data transfer conditions of the first network environment, are utilized to automatically modify the configuration of the computer system to thereby configure the computer system for operating in the first network environment. The computer system connects to the first network environment.

The amendments to claim 1 include incorporating the limitations of claim 16 into claim 1. As a result of this amendment, the subject matter of claim 16 has been incorporated into claim 1. Thus, subsequent discussion of *Dybedokken* is made with respect to independent claim 1, instead of previously (but now cancelled) claim 16.

Applicants respectfully submit that the cited art of record does not anticipate or otherwise render the amended claimed unpatentable for at least the reason that the cited art does not disclose, suggest, or enable each and every element of the amended claims.

Dybedokken describes a method to synchronize the language in a terminal and the language of a local exchange (see *Dybedokken*, Abstract, for example). Accordingly, when a user connects a wired terminal, or performs a roaming procedure with a wireless terminal, the terminal is informed about the language to be used for displaying text (see *Dybedokken*, col. 3, 11. 64-67, for example).

However, *Dybedokken* differs from the method of claim 1, which includes:

...

an act of failing to connect the computer system to a first network environment from among the number of network environments;

an act of connecting the computer system to a second network environment from among the number of network environments to receive one or more network environment parameters for the first network environment;

an act of receiving one or more network environment parameters, the one or more network environment parameters accessed from the second network and that will be used to select characteristics associated with the first network environment;

...

selecting characteristics specific to operating under the first network environment, the selected characteristics having been saved from a previous connection to the second network environment;

an act of utilizing the selected characteristics, which correspond specifically to operating under the first network environment, to automatically modify the configuration of the computer system to thereby configure the computer system for operating in the first network environment; and

an act of connecting the computer system to the first network environment from among the number of network environments;

Freund describes methodologies for automatically detecting when a computing device is plugged into a new network environment. This allows a user to be able to distinguish between the various networks and devices to which he or she is connecting (see *Freund* paragraph [0012], for example). A profile of each network is stored that the next time the device is connected to the same network it will remember the network and apply the same security settings previously adopted for that network (see *Freund* paragraph [0050], for example).

Freeman describes a method for managing and balancing the load of each server in a network. In doing so, *Freeman* may use data such as latency to determine an order in which to select a particular host identifier (see Freeman column 19, line 56 – column 20, line 16, for example).

However, *Freund* and *Freeman* do not otherwise contain any teaching or suggestion of any of the above-listed items and thus do not meet the claimed methods 1 singly or in combination with one another or in combination with *Dybedokken*.

Accordingly, the cited are fails to teach or suggest, either singly or in combination:

...

an act of failing to connect the computer system to a first network environment from among the number of network environments;

an act of connecting the computer system to a second network environment from among the number of network environments to receive one or more network environment parameters for the first network environment;

an act of receiving one or more network environment parameters, the one or more network environment parameters accessed from the second network and that will be used to select characteristics associated with the first network environment;

...

selecting characteristics specific to operating under the first network environment, the selected characteristics having been saved from a previous connection to the second network environment;

an act of utilizing the selected characteristics, which correspond specifically to operating under the first network environment, to automatically modify the configuration of the computer system to thereby configure the computer system for operating in the first network environment; and

an act of connecting the computer system to the first network environment from among the number of network environments;

...

as recited by claim 1, when viewed in combination with the other limitations of claim 1. For at least this reason claim 1 patentably defines over the art of record. Since each dependent claim depends from claim 1 and incorporates the limitations from claim 1, each dependent claim also patentable defines over the art of record.
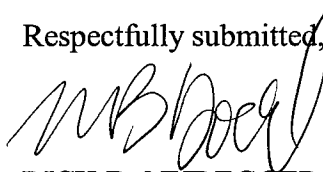
In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the

purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 5th day of March, 2009.

Respectfully submitted,

RICK D. NYDEGGER
Registration No. 28,651
MICHAEL B. DODD
Registration No. 46,437
Attorneys for Applicant
Customer No. 47973

RDN:MBD:crb
2177597_1